

House File 653 - Enrolled

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HOUSE FILE 653

AN ACT

ALLOWING A VOTER TO REGISTER TO VOTE AND TO VOTE AFTER
REGULAR REGISTRATION AND PRIOR TO VOTING IN AN ELECTION AND
MAKING A PENALTY APPLICABLE AND PROVIDING AN APPLICABILITY
DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 39A.2, subsection 1, paragraph a, Code
2007, is amended to read as follows:

a. REGISTRATION FRAUD.

(1) Produces, procures, submits, or accepts a voter
registration application that is known by the person to be
materially false, fictitious, forged, or fraudulent.

(2) Falsely swears to an oath required pursuant to section
48A.7A.

Sec. 2. NEW SECTION. 48A.7A ELECTION DAY AND IN-PERSON
ABSENTEE REGISTRATION.

1. a. A person who is eligible to register to vote and to
vote may register on election day by appearing in person at
the polling place for the precinct in which the individual
resides and completing a voter registration application,
making written oath, and providing proof of identity and
residence.

b. (1) For purposes of this section, a person may
establish identity and residence by presenting to the
appropriate precinct election official a current and valid
Iowa driver's license or Iowa nonoperator's identification
card or by presenting any of the following current and valid
forms of identification if such identification contains the
person's photograph and a validity expiration date:

(a) An out-of-state driver's license or nonoperator's
identification card.

(b) A United States passport.

(c) A United States military identification card.

(d) An identification card issued by an employer.

(e) A student identification card issued by an Iowa high
school or an Iowa postsecondary educational institution.

(2) If the photographic identification presented does not
contain the person's current address in the precinct, the
person shall also present one of the following documents that
shows the person's name and address in the precinct:

(a) Residential lease.

(b) Property tax statement.

(c) Utility bill.

(d) Bank statement.

(e) Paycheck.

(f) Government check.

(g) Other government document.

c. In lieu of paragraph "b", a person wishing to vote may
establish identity and residency in the precinct by written
oath of a person who is registered to vote in the precinct.
The registered voter's oath shall attest to the stated
identity of the person wishing to vote and that the person is
a current resident of the precinct. The oath must be signed
by the attesting registered voter in the presence of the
appropriate precinct election official. A registered voter
who has signed an oath on election day attesting to a person's
identity and residency as provided in this paragraph is
prohibited from signing any further oaths as provided in this
paragraph on that day.

2. The oath required in subsection 1, paragraph "a", and
in paragraph "c", if applicable, shall be attached to the
voter registration application.

3. At any time before election day, a person who appears
in person at the commissioner's office or at a satellite
absentee voting station after the deadline for registration in
section 48A.9, may register to vote and vote an absentee
ballot by following the procedure in this section for
registering to vote on election day. A person who wishes to
vote in person at the polling place on election day and who

3 4 has not registered to vote before the deadline for registering
 3 5 in section 48A.9, is required to register to vote at the
 3 6 polling place on election day following the procedure in this
 3 7 section. However, the person may complete the voter
 3 8 registration application at the commissioner's office and,
 3 9 after the commissioner has reviewed the completed application,
 3 10 may present the application to the appropriate precinct
 3 11 election official along with proof of identity and residency.
 3 12 4. a. The form of the written oath required of the person
 3 13 registering under this section shall read as follows:
 3 14 I, (name of registrant), do solemnly swear or affirm all of
 3 15 the following:
 3 16 I am a resident of the precinct, ward
 3 17 or township, city of, county of, Iowa.
 3 18 I am the person named above.
 3 19 I live at the address listed below.
 3 20 I do not claim the right to vote anywhere else.
 3 21 I have not voted and will not vote in any other precinct in
 3 22 this election.
 3 23 I understand that any false statement in this oath is a
 3 24 class "D" felony punishable by no more than five years in
 3 25 confinement and a fine of at least seven hundred fifty dollars
 3 26 but not more than seven thousand five hundred dollars.
 3 27
 3 28 Signature of Registrant
 3 29
 3 30 Address
 3 31
 3 32 Telephone (optional to provide)
 3 33 Subscribed and sworn before me on (date).
 3 34
 3 35 Signature of Precinct Election Official
 4 1 b. The form of the written oath required of a person
 4 2 attesting to the identity and residency of the registrant
 4 3 shall read as follows:
 4 4 I, (name of registered voter), do solemnly swear or affirm
 4 5 all of the following:
 4 6 I am a preregistered voter in this precinct or I registered
 4 7 to vote in this precinct today, and a registered voter did not
 4 8 sign an oath on my behalf.
 4 9 I am a resident of the precinct, ward
 4 10 or township, city of, county of, Iowa.
 4 11 I reside at in
 4 12 (street address) (city or township)
 4 13 I personally know, and I personally know
 4 14 (name or registrant)
 4 15 that is a resident of the precinct,
 4 16 (name of registrant)
 4 17 ward or township, city of, county of
 4 18, Iowa.
 4 19 I understand that any false statement in this oath is a
 4 20 class "D" felony punishable by no more than five years in
 4 21 confinement and a fine of at least seven hundred fifty dollars
 4 22 but not more than seven thousand five hundred dollars.
 4 23
 4 24 Signature of Registered Voter
 4 25 Subscribed and sworn before me on (date).
 4 26
 4 27 Signature of Precinct Election Official
 4 28 Sec. 3. Section 48A.9, subsection 1, Code 2007, is amended
 4 29 to read as follows:
 4 30 1. Registration closes at five p.m. eleven days before
 4 31 each election except primary and general elections. For
 4 32 primary and general elections, registration closes at five
 4 33 p.m. ten days before the election. An eligible elector may
 4 34 register during the time registration is closed in the
 4 35 elector's precinct but the registration shall not become
 5 1 effective until registration opens again in the elector's
 5 2 precinct, except as otherwise provided in section 48A.7A.
 5 3 Sec. 4. NEW SECTION. 48A.26A ACKNOWLEDGMENT OF ELECTION
 5 4 DAY AND IN-PERSON ABSENTEE REGISTRATION FORM.
 5 5 1. Within forty-five days of receiving a voter
 5 6 registration form completed under section 48A.7A, the
 5 7 commissioner shall send an acknowledgment to the registrant,
 5 8 in the manner provided in section 48A.26, subsections 2
 5 9 through 5, as applicable, at the mailing address shown on the
 5 10 registration form. The acknowledgment shall be sent by
 5 11 nonforwardable mail.
 5 12 2. If the acknowledgment is returned as undeliverable by
 5 13 the postal service, the commissioner shall attempt to contact
 5 14 the voter by forwardable mail. If a response is not received

5 15 from the voter within fourteen days after the notice is
5 16 mailed, the commissioner shall change the status of the
5 17 registration to inactive status and shall immediately notify
5 18 the state registrar of voters and the county attorney.

5 19 Sec. 5. Section 48A.37, subsection 2, Code 2007, is
5 20 amended to read as follows:

5 21 2. Electronic records shall include a status code
5 22 designating whether the records are active, inactive, local,
5 23 or pending. Inactive records are records of registered voters
5 24 to whom notices have been sent pursuant to section 48A.28,
5 25 subsection 3, and who have not returned the card or otherwise
5 26 responded to the notice, and those records have been

5 27 designated inactive pursuant to section 48A.29. Inactive
5 28 records are also records of registered voters to whom notices
5 29 have been sent pursuant to section 48A.26A and who have not
5 30 responded to the notice. Local records are records of

5 31 applicants who did not answer either "yes" or "no" to the
5 32 question in section 48A.11, subsection 3, paragraph "a".
5 33 Pending records are records of applicants whose applications
5 34 have not been verified pursuant to section 48A.25A. All other
5 35 records are active records. An inactive record shall be made
6 1 active when the registered voter votes at an election,
6 2 registers again, or reports a change of name, address,
6 3 telephone number, or political party affiliation. A pending
6 4 record shall be made active upon verification. A local record
6 5 shall be valid for any election for which no candidates for
6 6 federal office appear on the ballot. A registrant with only a
6 7 local record shall not vote in a federal election unless the
6 8 registrant submits a new voter registration application before
6 9 election day indicating that the applicant is a citizen of the
6 10 United States.

6 11 Sec. 6. Section 49.77, subsection 4, Code 2007, is amended
6 12 to read as follows:

6 13 4. a. A person whose name does not appear on the election
6 14 register of the precinct in which that person claims the right
6 15 to vote shall not be permitted to vote, unless the person
6 16 affirms that the person is currently registered in the county
6 17 and presents proof of identity, or the commissioner informs
6 18 the precinct election officials that an error has occurred and
6 19 that the person is a registered voter of that precinct. If
6 20 the commissioner finds no record of the person's registration
6 21 but the person insists that the person is a registered voter
6 22 of that precinct, the precinct election officials shall allow
6 23 the person to cast a ballot in the manner prescribed by
6 24 section 49.81.

6 25 b. If the voter informs the precinct election official
6 26 that the voter resides in the precinct and is not registered
6 27 to vote, the voter may register to vote pursuant to section
6 28 48A.7A and cast a ballot. If such a voter is unable to
6 29 establish identity and residency in the manner provided in
6 30 section 48A.7A, subsection 1, paragraph "b" or "c", the voter
6 31 shall be allowed to cast a ballot in the manner prescribed by
6 32 section 49.81.

6 33 c. A person who has been sent an absentee ballot by mail
6 34 but for any reason has not received it shall be permitted to
6 35 cast a ballot in person pursuant to section 53.19 and in the
7 1 manner prescribed by section 49.81.

7 2 Sec. 7. APPLICABILITY DATE. This Act applies to elections
7 3 held on or after January 1, 2008.

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PATRICK J. MURPHY
Speaker of the House

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JOHN P. KIBBIE
President of the Senate

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MARK BRANDSGARD
Chief Clerk of the House

7 22 Approved _____, 2007

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7 26 CHESTER J. CULVER
7 27 Governor